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10/521,443	07/27/2005	Marc Bondoerffer	0512-1253	1518

  

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EXAMINER	
ROCCA, JOSEPH M	

  

ART UNIT	PAPER NUMBER
3616	

  

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05/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/521,443

Applicant(s)

BONDOERFFER, MARC

Examiner

Joseph Rocca

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/14/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 11, "of the type" is indefinite, suggesting structure, but not specifying what it is. Further, claim 16 recites the limitation "through opening" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11, 13, 15, and 18-20, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Desprez (U.S. App. 2002/0014759 A1). Desprez discloses an assembly for masking an air-bag for a motor vehicle, the assembly being of the type comprising:

outer trim presenting a line of weakness which defines: a flap (16) overlying the air-bag; and a peripheral region surrounding the flap (4 [portion surrounding flap outside line of breakage 12) and serving, after the flap has moved, to define an opening for passing the air-bag during its deployment; a first reinforcing member for reinforcing the peripheral region, the first reinforcing member (22) comprising at least one wall for guiding (24) the air-bag upstream from the opening and during deployment thereof; a second reinforcing member (30) for reinforcing the flap; and a hinge (32) connecting together the first reinforcing member and the second reinforcing member so as to allow the flap to tilt and so as to retain it after the masking assembly has been ruptured along the line of weakness; wherein the second reinforcing member and the hinge are made by molding a plastics material, and wherein the hinge is overmolded on the first reinforcing member (Fig. 1).

Regarding claim 13, Desprez additionally discloses a first reinforcing member that includes portions in relief for connecting the hinge (32), in as much as a portion of the hinge is left loose (see, Fig. 1) is loose and thus is in relief.

Regarding claim 15, Desprez further discloses that the guide wall(s) extend(s) over at least two sides of the deployment direction of the air-bag so as to form a guide channel (Fig. 1, Elements 24).

As to claim 18, the assembly of Desprez constitutes at least a dashboard for a motor vehicle (Pg. 2, Para. 0041).

With respect to claim 19, the method including a step of overmolding a plastics material onto the first reinforcing member to form the hinge and the second reinforcing

member, and to connect them to the first reinforcing member (Pg. 2, Paras. 0055-0063). Similarly, with respect to claim 20, Desprez includes a step of fastening the first reinforcing member and the second reinforcing member to the trim that has previously been prepared (Pg. 2, Paras. 0055-0063). Furthermore, regarding these claims (claims 19 and 20) applicant should note that the method of forming the device is not germane to the issue of patentability of the device itself.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desprez (U.S. App. 2002/0014759 A1). The applicant should note that Desprez discloses that the plastic of the second reinforcing member may be made from thermoplastic including polypropylene or polyethylene, which are given as examples (Pg. 2, Para. 0042). Desprez does not specifically disclose that the plastics material of the second reinforcing member and of the hinge possesses elongation prior to rupture of more than 500%. Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Desprez to utilize a second reinforcement member made from a plastic material possessing an elongation prior to rupture of more than 500%. Furthermore applicant should note that of such a material properties in lieu of those used in the reference solves no stated problem and would be an obvious

matter of design choice within the skill of the art. Additionally, since other similar values appear to work just as well this does not appear to be a patentable distinction.

7. Claims 14, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desprez (U.S. App. 2002/0014759 A1) in view of Sun et al. (U.S. 6,623,029 B2). As discussed above Desprez discloses all of the elements of claim 11. Desprez does not specifically disclose either [claim 14] a hinge that includes a retaining lip surrounding an edge of the first reinforcing member; [claim 16] that the guide channel extends over substantially the entire perimeter of the through opening for the air-bag, or [claim 17] that the hinge includes at least one fold, although these figures are old and well known in the art. Sun discloses an assembly for masking an airbag comprising among other things: [claim 14] a hinge (36) that includes a retaining lip surrounding an edge of the first reinforcing member (Fig. 3); [claim 16] that the guide channel extends over substantially the entire perimeter of the through opening for the air-bag (Figs. 1 and 2), or [claim 17] that the hinge includes at least one fold (Fig. 3, Element 36). Furthermore, the applicant should note that this apparatus includes a method including a step of overmolding a plastics material onto the first reinforcing member to form the hinge and the second reinforcing member, and to connect them to the first reinforcing member (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Desprez to utilize among other things a hinge that includes a retaining lip surrounding an edge of the first reinforcing member; a guide channel extends over substantially the entire perimeter of the through opening for the air-bag, and a hinge includes at least one fold, in view of the teachings of Sun, so as

to improve the reliability of the deployment of the airbag by ensuring an efficient hinge structure allowing for reliable opening of the airbag, as well as a strong structure formed by the guide channel to help avoid any deformation of the assembly, caused by the forces of deployment of the airbag.

***Examiner's Note***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. The following references disclose airbag devices, which may be of interest to the applicant.

- i. Sakata (U.S. 5,301,966)
- ii. Hallard et al. (U.S. 5,346,249)
- iii. Avila (U.S. 5,398,959)
- iv. Ravenberg et al. (U.S. 5,439,246)
- v. Jarboe et al. (U.S. 5,447,327)
- vi. Zagrodicki et al. (U.S. 7,210,700 B2)
- vii. Usami et al. (U.S. App. 2001/0002749 A1)

b. Hiles (U.S. 4,101,704) discloses that it is typical for plastics to have an elongation at rupture exceeding 500%, see e.g. Col. 3, Lines 10-15.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Rocca whose telephone number is 571-272-

5191. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph Rocca  
Patent Examiner  
AU-3616



**ERIC CULBRETH**  
**PRIMARY EXAMINER**